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Attorneys for Plaintiff State of Utah

**IN THE UNITED STATES JUDICIAL DISTRICT COURT FOR THE
DISTRICT OF UTAH, SOUTHERN REGION OF THE CENTRAL DIVISION**

KANE COUNTY, UTAH, a Utah political
subdivision, and the STATE OF UTAH,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

**EX PARTE MOTION FOR LEAVE TO
FILE OVERLENGTH MOTION FOR
DECLARATORY JUDGMENT**

Case No. 4:25-cv-00059

Judge David Nuffer
Magistrate Judge Paul Kohler

Pursuant to DUCivR 7-1(a)(7), Plaintiffs Kane County, Utah, and the State of Utah (collectively “Plaintiffs”) move for leave to file an overlength Motion for Declaratory Judgment (the “Motion”) not to exceed 40 pages. As described below, good cause exists for the Court to grant leave.

Plaintiffs intend to file the Motion pursuant to Fed. R. Civ. P. 57 and 28 U.S.C. § 2201, which provide a cause of action for declaratory judgment. The Motion will largely reflect and restate the pertinent facts and law as alleged in the Complaint—which span over twenty pages—as well relevant arguments as to why Plaintiffs are entitled to a declaratory judgment in their favor. The format of a Rule 57 motion is similar to a motion for summary judgment.

Given that the number of pages needed just to set forth the material facts and applicable law will exceed the applicable page limit,¹ there is good cause for Plaintiffs to file an overlength Motion. Plaintiffs will not exceed the 40-page limit applicable to motions brought under Fed. R. Civ. P. 56(a).

This motion for leave is filed ex parte, as Defendants have not yet answered the Complaint. Plaintiffs filed their Complaint on May 6, 2025, but have not yet served the Defendants. Pursuant to Fed. R. Civ. P. 4(m) and 12(a)(2), Plaintiffs have 90 days to serve the Complaint, and the Defendant has 60 days to file an Answer. For convenience and economy, Plaintiffs intend to serve the Complaint and Motion at the same time, and will coordinate with the Defendant to ensure the Defendant has ample time to file an Answer and respond to the Motion.

A proposed order granting this motion is filed contemporaneously herewith.

RESPECTFULLY SUBMITTED this 11th day of June, 2025.

HOLLAND & HART LLP

/s/ Shawn Welch
Shawn T. Welch

¹ The Local Rules of Civil Practice do not provide a specific page limit for motions brought under Fed. R. Civ. P. 57. Thus, the Rules' catch-all limit of 10 pages likely applies. *See* DUCivR 7-1(a)(4)(D).

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* Signed with permission given to filing counsel

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